

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-273 of 2019.

Decided on:- February 14, 2019.

Vivek Kumar.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Balwinder Singh Chahal, Advocate
for the petitioner.

Ms. Mahima Yashpal, Assistant Advocate General, Haryana.

Mr. Ankur Malik, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.222 dated 15.12.2018 under Sections 323, 498-A and 506 read with Section 34 IPC registered at Police Station Saha, District Ambala.

The aforesaid FIR was registered at the behest of respondent No.2-complainant Deepa wife of the petitioner. The court marriage between them was solemnised on 26.09.2017 and thereafter, the arranged marriage was solemnised on 12.11.2017. After the marriage, a baby girl was born to the

complainant, who was kept on ventilators for two months and she was born blind. Neither the petitioner nor his family members ever attended the complainant-wife or the child. Even they refused to keep the complainant and her daughter in the matrimonial home. In the FIR, it has been alleged that it is in order to escape from the rape case, the petitioner solemnised marriage with the complainant and he was to get married with some other girl, who could bring sufficient dowry. Since the complainant did not bring sufficient dowry, her parents-in-law, sister-in-law and husband (petitioner herein) gave beatings to her and harassed her for not bringing sufficient dowry.

Learned counsel for the petitioner has argued that the allegation that she was ever subjected to rape by the petitioner is false. After some days of marriage, the complainant got pregnant and a premature baby was born within six months. The baby was born blind. There is no demand of dowry articles on the part of the petitioner and the complainant was kept in her matrimonial home nicely. However, after some time of marriage, complainant started misbehaving with the members of her in-laws family and for this reason, mother of the petitioner disowned the petitioner and complainant from all the moveable and immoveable property. The petitioner has come to know that the complainant was already married with one Karam Chand and this fact was kept concealed by the complainant from him. Even without getting divorce from Karam Chand, she solemnised marriage with the petitioner. Karam Chand had filed a petition for divorce, which was dismissed as withdrawn on 19.04.2017 with a promise to get the divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955, but thereafter,

no such petition was filed. The present FIR has been got registered by the complainant with a *mala fide* intention.

On the other hand, learned counsel for respondent No.2-complainant has argued that the petitioner committed rape upon the complainant and in order to save himself, he solemnized marriage with the complainant. Now, he has deserted the complainant and her daughter on the pretext of demand of dowry. Petitioner used to give beatings to the complainant for not bringing sufficient dowry and as such, he is not entitled for anticipatory bail.

I have heard learned counsel for the parties.

The marriage of the petitioner with respondent No.2-complainant is not in dispute. The earlier marriage of complainant with Karam Chand has been dissolved by way of a decree of divorce on 02.08.2017, as observed by learned Additional Sessions Judge, Ambala in paragraph No.4 of the order dated 03.01.2019, whereby anticipatory bail of the petitioner was dismissed.

The conduct of petitioner is that after birth of the blind and premature baby girl, he has not bothered to attend his wife, and the child as well. There are allegations of beatings on account of demand of dowry against the petitioner. The argument that the petitioner was not disclosed the factum of earlier marriage of the complainant, is irrelevant as a decree of divorce had already been passed on 02.08.2017, whereas the marriage of petitioner with

the complainant was solemnised on 26.09.2017. Therefore, this Court finds that no ground is made out for grant of anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

February 14, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No